Sectt. H-27—45,006—19-10-39.

Edu. & P. H

(1941) Department.

Ms. SERIES.

G.O. No. 438, P. H.,

Dated 29th January 1941.

[Despatch Abstract.]

Licence - Factories - Bellary Municipal Council - Installation of additional expellers by Messrs. Guduthur Thimmappa Brothers - Representations to Government - Orders passed.

D.O.5418 A/40.
30 JAN 1941
EDUCATION & PUBLIC HEALTH DEPARTMENT

Director of Industries and Commerce,

M a d r a s, 9th January 1941.

My dear Karunakara Menon,

1483

Subject: Messrs:Guduthur Thimmappa Bros., Bellary - Removal of their existing factory to the demarcated industrial area - Representation in regard to.

I enclose a copy of a representation which I have received from Messrs:Guduthur Thimmappa Bros., Bellary, in regard to the operation of G.O.No.2299, Education and Public Health Department, dated 29th June 1939, under which, wherever industrial areas have been demarcated, all factories situated outside industrial areas should be removed to industrial areas as soon as possible. I understand that Messrs:Thimmappa made a personal representation in the matter to His Excellency the Governor when the latter visited Bellary in, I think, November last, and it is possible that the position, so far as Messrs: Thimmappa are concerned, is already under examination.

2. A rigid insistance in all cases that factories situated outside industrial areas should be removed to industrial areas would operate as a hardship in the case of factories of any considerable size. This, however, does not seem to be the immediate point at issue as I understand that the Municipality are not pressing Messrs: Thimmappa to remove their factory to the industrial area within any definite period. The point is that, as stated in their letter Messrs:Thimmappa & Bros. are desirous of extending their ~~existing~~ ginning, pressing and decorticating factory so as to permit of the setting up of two or three oil expellers, but they naturally hesitate to do this in the absence of any sort of assurance that they will not have to dismantle the extension to their factory and remove it elsewhere in the comparatively near future.

3. They wish to set up the expellers by the end of January as otherwise the season will be lost. There seems to be scope for the provision of additional groundnut crushing facilities at Bellary since it is understood that groundnut oil is imported

the area from Hyderabad and Bombay. I should therefore be glad to know whether in view of the pressing need for finding an outlet for the surplus groundnut, Government would be prepared to give Messrs:Timmappa and Bros. any sort of assurance that they would be allowed to retain their factory in its present site for the period of the war, at least.

Yours sincerely,

Sri Rao Bahadur C.P.Karunakara Menon, B.A.,
Secretary to Government,
Development Department,
Fort St.George, Madras.

Copy of letter from Messrs:Guduthur -himmappa Bros., Bellary to the Director of Industries and Commerce, Madras.

(T) --

G.O.No.2299 dated 29th June 1939.

Under the above G.O. the existing factories outside the demarcated industrial area are to be removed, many factories which are in existance from time immorial before the demarcation of the industrial area are to be removed.

Due to war conditions any removal of existing factories are out of question, further the factory owners are much handicapped due to the refusal of the Municipal authorities to permit the extention of factories which are in existance, or to replace any parts worn out or damaged.

Due to considerable fall in export specially cotton and groundnuts, we are willing to erect in our factory "The City Press" Bellary 2 or 3 oil expellers to crush groundnut so that the surplus of the produce in our market may be utilised to the benefit of our District Ryots.

The position of our district has got an excellent field for the extention of the above industry, having a population of about 11 lakhs and hardly half-a-dozen oil expellers are working in whole district. Also much of our oil requirements are imported from Bombay Presidency and also from other districts.

We earnestly request you Sir, to consider the question and make strong recommendation to the Government either to cancel the above G.O. or suspend pending war, or exempt the existing factories from the operation of the said G.O.

We await favourable orders so that we may commence constructing oil expellers. This years crop is bumper and it is moving in small quantity in the market.

Our Sri Thimmappa made a representation about this subject before His Excellency on 1st inst., and glad to understand that this matter will have favourable consideration.

E & D 4

Please see the D.O. of the Director of Industries & Commerce on pp 1-2 ante. He enquires whether in the event of Messrs. Thimmappa & Bros extending their existing factory by two or three oil expellers, any assurance can be given to them - that they will not be required to dismantle the extension and to remove it elsewhere in the near future. It is submitted that the installation of additional expellers will have to be permitted by the Municipal Council under Sec. 250 of the M.D.M. Act. After the permission is obtained, the executive Authority may have to grant license under Sec. 249 of the said Act. The Govt. can exercise the powers under Sec. 252 of the Act only in respect of action taken by the Council under Sec. 250 or 251 of the Act. ~~In view of this, no assurance of the nature asked for can be given by the Revenue Govt.~~

A applt

& Extension of factory may necessitate the use of addl. place etc

2 Sri G. Thimmappa of Bellary presented a memorandum to H.E. the Governor and it was ascertained from the Commr. that the Rad not made any application to the Council for the

extension of his existing factory. No action was therefore considered necessary on the copy memorandum presented to H.E. vide the notes on pgs 9 - 10 of G.O. No. 5858 PH 9 13-12-40. The position is that Messrs. Thirumalappa & Bros. have to apply to the Council first for permission to extend the existing factory and install additional expellers and if the permission is refused, the Govt. Can interfere under Sec. 25 2 of the Act. The instructions in the appendix to G.O. No. 4054 PH 9 3-9-40 are intended only for the guidance of local authorities in such.

3. For orders whether a reply on the above lines may be given to the Director, (& or Messrs. Thirumalappa may be asked to move the Council in the matter first.

12/1

JD. 20/41

This seems to come under 1(1) of the rules in G.O. 4054. (I should like to see original of this G.O. & any other papers showing origin of policy of not allowing extensions to existing factories outside industrial areas.

(N)

Pre-audit to pro. on p2 ante

(Subject to the rule-making power of Government)

VV 21/1

RR 21.1

Deputy Secy's note on p. 5 ante.

The original of G.O. No. 4054 P.H. dy 3-9-40 is put up at flag (N). Attention is also invited to G.O. No. 2299 P.H. dy 29-6-39 as modified by G.O. No. 108 P.H. dy 9-1-40. and ~~G.O. No. 250 P.H. dy 21-2-40~~ which refer to the removal of existing factories to industrial areas.

(W)

(Q) (M) Meeting of H.E. with the Attorney Gen. on p. 12 ante (Q)

(N) Submitting G.O. No. 4054 E.&P.W. dy 3.9.40 gives ~~rule~~ discretion to local authorities in regard to removal of factories outside industrial areas. Paragraphs 2-4 of this appendix to the G.O. may be perused with respect of the ~~grant~~ removal of existing factories to industrial areas. For the discussions leading to the issue of these instructions please see the notes on pp 8-12 of file G.O. 108 P.H. dy 9-1-40.

(Q) Govt. have power to pass orders under sub-sec. 252 under sub-sec. 2 of sec. 250 & 251 of the D.M. Act. Attention is in this connection invited to H.E.'s minute on p 9 of G.O. 5858 P.H.

By 13-12-40.

J.D 24/12/41

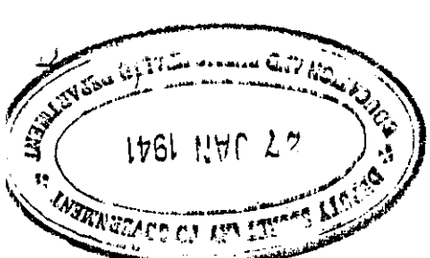
The owner of a mill in Bellary asks for a guarantee that if he instals two or three oil expellers in his factory he will not be compelled to move the factory from its present site to the industrial area of the town at least for the duration of the war.

In G.O.No. 4054 E.&.P.H., dated 3-9-40 the Government have laid down the policy that factories should be moved outside residential areas into the industrial areas in due course and in particular have said that no new factory and no fresh installation of any kind of machinery other than certain electrical machinery should be permitted outside industrial areas. These instructions are intended for the guidance of local authorities in exercising their powers under sections 250 and 251 of the M.D.M. Act in the light of their town planning schemes. The Government can however interfere and order anything they like under section 252 of the M.D.M. Act.

In this case it does not appear that the factory owner has yet applied to the municipality for a licence but it may be expected that if he does so the municipality will refuse under para 1(1) in the Appendix to G.O.No. 4054. On a representation by the same individual to His Excellency, His

Excellency ordered that rules should be interpreted as liberally as possible and reasonable exceptions should be made. The Director of Industries says that the installation of these expellers would be useful in meeting the present need of finding an outlet for the surplus groundnut of the district.

As the installation of these expellers is to some extent in the public interest, there is no reason why we should object to the extension of this factory even though it is in a residential area. At the same time, I think it is more for the Municipal Council to give the man the undertaking rather than ~~for~~ the Government ~~to do this~~. We may advise the Council to allow the factory to continue where it is for the duration of the war and tell the Director of Industries to refer the factory owner to the Council for the undertaking he is asking for.



25.1

A3 Yes 25/1

A draft order and a draft D.O. are enclosed.

29.1

Q.M.T.D. 1-2.

2 drafts. 29/1
A.R. 29/1

E & W H

D.G. No 1483-1 E.P.H.Q. 29-1-41

My dear Green,

License - Bellary Nl-el.
Messrs. Guduthur Thiruvengada Bros - Installation of addl. expellers.

With reference to your D.G. No. 5418 A/40 of 9-1-41 to Karnataka Nirman, I am desired to enclose a copy of G.O. No. 438 Pt I of 29-1-41 and to state that you should refer Messrs. G. Thiruvengada & Bros to the Bellary Nl-el for the undertaking they desire to have as regards the retention of their factory with 2 Nl expellers at its present site.

Yours truly

29.1

pp 1-2 ng

No & date of the G.O. below to be filled in

with COM 950.

30/1

29/1

J.H. 28/1

To L. B. Green Esq.,
Director of Industries & Commerce,
Chepauk.

C.F. 15.

DRAFT FOR APPROVAL.

Date. Initials.

When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT :— Licence - Factories - Bellary Dt - el .. Installation of addl. expellers by Messrs. Gnd Ther Thimmappa Bros. Representation to Govt. Orders passed

READ AGAIN _____, dated _____ 19____

" " _____ " _____ 19____

READ *ALSO* :—

No. _____ From the _____, No. _____, dated _____ 19____

" _____ " _____ " _____ " _____ 19____

" _____ " _____ " _____ " _____ 19____

Order / Resolution — Ms. / Rout. No. 438, dated P/1 29 . 1 . 19 41

(L)

Rp 2-3 of GO No 5858 Pol 13-12-40

With reference to the correspondence ending with Govt. letter No D. Dis 8668/40 dt 18-11-40 the Commr. of the Bellary Dly is informed that Messrs. Thimmappa and Bros. ~~is desirous of~~ wish to extending their existing ginning, pressing and decorticating factory by installing two or three oil expellers but they hesitate to do so in the absence of any sort of assurance that they will be allowed to retain their factory in its present site for the period of

Wars ~~at least~~ The Director
of Industries and Commerce
states that there is likely to
be scope for the provision
of additional groundnut crushing
facilities at Bellary as they will help to meet
the pressing need for finding
an outlet for the surplus
groundnut. In the circumstances,
the Govt. are pleased to advise the Bellary M. Council
to allow the factory of Messrs
Thimmappa Bros. to continue in its present site
~~where it is~~ for the duration
of the war and to permit
them to extend their factory
by the installation of additional
expellers, ~~with a view to~~
provide additional groundnut
~~Crushing~~ facilities at Bellary.

29.1

To the Comm. Bellary (by
this the Circ
& Coll - Bellary.
Copy " Development Dept

Another Draft letter